

- (1) The Administrative Law Judge entered an Order for Compensation on October 19, 1995 awarding claimant temporary total disability compensation and medical treatment to be paid by respondent and insurance carrier.
- (2) On November 30, 1995 the Administrative Law Judge entered an Award of Compensation finding respondent to be uninsured and financially unable to pay the compensation ordered on October 19, 1995. The Kansas Workers Compensation Fund was ordered to pay temporary total disability compensation and provide medical treatment pursuant to K.S.A. 44-532a(a), K.S.A. 44-566a(e)(2) and K.S.A. 44-569.
- (3) The Kansas Workers Compensation Fund filed an Application for Review by Workers' Compensation Board on December 6, 1995 seeking review of the November 30, 1995 Award of Compensation.
- (4) On December 19, 1995 the Kansas Workers Compensation Fund filed a Motion to Set Aside Award requesting that the Administrative Law Judge set aside the Award of

Compensation entered against the Kansas Workers Compensation Fund in this matter on November 30, 1995.

(5) A hearing on the Fund's Motion to Set Aside was held before the Administrative Law Judge on January 5, 1996 at which time the Fund's Motion was granted.

(6) The Appeals Board finds that the January 5, 1996 order by Administrative Law Judge Floyd V. Palmer granting the Fund's Motion to Set Aside the November 30, 1995 order from which this appeal was taken renders this appeal moot. The Application for Review filed by the Kansas Workers Compensation Fund should therefore be dismissed.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Application for Review filed by the Kansas Workers Compensation Fund should be, and is hereby, dismissed.

IT IS SO ORDERED.

Dated this ____ day of February 1996.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Frank D. Taff, Topeka, KS
Daniel M. Welch, Topeka, KS
Gary L. Jordan, Ottawa, KS
Floyd V. Palmer, Administrative Law Judge
Philip S. Harness, Director